

DSH-HW-03-09
**Regulatory Status of Laundered Industrial Rags
& Soiled Clothing**

New York State Department of Environmental Conservation

DEC Policy

Issuing Authority: Division of Solid & Hazardous Materials

Date Issued: October 8, 2003

Latest Date Revised: September 24, 2003

I. Summary:

This Program Policy addresses the regulatory status of used shop towels, industrial rags, and soiled clothing contaminated with oil or solvents when these items will be laundered. Specifically, it defines the conditions that must be met in order for hazardous shop towels, industrial rags, and soiled clothing to be sent as nonhazardous waste to industrial laundries or on-site laundries. This Program Policy takes effect 30 days after the date of issuance.

II. Policy:

It is the policy of the Division that shop towels, industrial rags, and soiled clothing ("towels/rags/clothing") that have become contaminated with incidental amounts of hazardous solvents may be sent to industrial laundries (or laundered on-site) as non-hazardous waste, provided certain conditions are met. (See section V for those conditions.)

III. Purpose and Background:

In 1991, the United States Environmental Protection Agency (USEPA) recognized the possible need for developing workable approaches for the management of used wipers, and allowed authorized states and USEPA regions to develop case-by-case policies to implement such approaches. In response, the Division issued Technical and Administrative Guidance Memorandum (TAGM) Number 3031, entitled "Regulatory Status of Industrial Rags and Soiled Clothing," on January 2, 1992 to provide an operable policy for such wipers and, by extension, soiled clothing.

This revised Program Policy document builds upon, supercedes, and replaces the guidance articulated in the original TAGM 3031, and reflects the experience and knowledge gained through implementation of that TAGM over the eleven-year period since its issuance.

IV. Responsibility:

Responsibility for the interpretation and updating of this Program Policy document resides with the Bureau of Hazardous Waste Regulation within the Division of Solid & Hazardous Materials.

Questions regarding this policy should be directed to:

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Bureau of Hazardous Waste Regulation
Division of Solid & Hazardous Materials
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V. Procedure:

When the following conditions are met, towels/rags/clothing may be sent to industrial laundries (or laundered on-site):

1. Towels/rags/clothing which are a listed or characteristic hazardous waste must be managed as non-exempt hazardous waste until they are loaded onto a vehicle that will initiate delivery of these items to an off-site laundry, or until they are laundered on-site. (Note: Only absorbent products which qualify as towels or rags are eligible for this Program Policy. Thus, absorbent pigs, logs, and most absorbent pads cannot qualify *unless* they consist of absorbent materials identifiable as towels/rags/clothing.)
2. Notification is made in accordance with the one-time notice requirement of 6 NYCRR Part 376.1(g)(1)(vii) of the land disposal restrictions (LDRs). However, note that: (a) conditionally-exempt small quantity generators are exempt from this requirement because they are not subject to the LDRs; and (b) towels/rags/clothing that are not contaminated with listed hazardous waste and do not exhibit a hazardous waste characteristic, *even at their points of generation*, are not subject to this one-time notice requirement.
3. At the time the towels/rags/clothing are loaded onto the vehicle that will initiate delivery to the off-site industrial laundry (or when the laundering begins on-site), the towels/rags/clothing do not contain free liquids (as determined by the "Paint Filter Liquids Test," USEPA SW846 Test Method #9095) and no free liquids are present in their containers. (Note: if this condition is met, subsequent formation of free liquids is permissible under this Program Policy, provided the towels/rags/clothing are managed only in USDOT-compliant containers as described in V.4 below.)
4. Until their arrival at the facility where the laundering will occur, towels/rags/clothing are managed only in containers meeting the applicable United States Department of Transportation (USDOT) hazardous materials packaging specifications for shipment of that type of material. For example, if the towels/rags/clothing qualify as UN3175 ("Solids containing flammable liquid"), they must always be kept in leakproof containers approved for the shipment of UN3175 material until their arrival at the laundry.

5. The towels/rags/clothing are subsequently laundered and reused, and towels/rags/clothing of a similar type and quantity are returned to the user for reuse after laundering.
6. No additional solvents are added to the towels/rags/clothing after they have been containerized.
7. Applicable federal and State Department of Transportation shipping regulations are met.
8. The facility laundering the towels/rags/clothing remains subject to all other applicable environmental regulations.

When these conditions are met, receipt and laundering of towels/rags/clothing at on-site and off-site laundries will not subject the laundries to either 6 NYCRR Part 373 hazardous waste permitting or Part 360 solid waste permitting, and transportation of the towels/rags/clothing to the laundry will not subject the transporter to Part 364 waste transporter permitting. In addition, no notification under 6 NYCRR Part 371.1(c)(7)) is required for towels/rags/clothing being managed under this Program Policy. Finally, any residuals obtained at the laundry from these towels/rags/clothing (including drippage, laundry sludges) must be managed as hazardous waste only if they exhibit a hazardous waste characteristic.

Related References

Issuance of this Program Policy is supported by the following documents (relevant portions attached):

- USEPA letter dated January 23, 1991 ("...Regions and States will continue to use the current case-by-case approach [for determining the regulatory status of solvent-contaminated rags and wipers].").
- USEPA letter dated February 14, 1994 ("I have enclosed policy documents from several States and one EPA Region regarding the identification and/or management of wipers, that provide examples of how some implementing agencies have developed workable approaches to this issue.") Enclosures with that 1994 letter included a January 21, 1992 letter from USEPA's Region 2 Office, which referenced the Department's 1992 laundered rags and soiled clothing policy.